

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| <b>TYLER RAY SCHRIBER,</b>         | ) |                              |
| <b>Plaintiff</b>                   | ) |                              |
|                                    | ) |                              |
| <b>v.</b>                          | ) | <b>CAUSE NO. 2:25-CV-532</b> |
|                                    | ) |                              |
| <b>DEPUTY ALEX SLIGER, et al.,</b> | ) |                              |
| <b>Defendants</b>                  | ) |                              |

**REPLY IN SUPPORT OF MOTION TO DISMISS  
AMENDED COMPLAINT**

Come now Defendants Alex Sliger, Austin Farrell, Nicole Dornon, Robert Loop, Jeffrey Clark, and Robert Goldsmith and submit this Memorandum of Law in support of their motion to dismiss under Trial Rule 12(b)(6).

Tippecanoe County Sheriff's Deputies Sliger, Farrell, Dornon, and Loop have been sued by Tyler Schriber in connection with an investigation they conducted on June 4, 2025, and into the early hours of June 5, 2025. A *Monell* claim is asserted against Sheriff Goldsmith. Jeffrey Clark is an investigator for the Tippecanoe County Prosecutor and is being sued in connection with an affidavit he signed in support of criminal charges filed against Mr. Schriber by the State of Indiana.

The deputies were looking for an individual named Tanner Clugh, suspected of auto theft, criminal confinement, strangulation, and domestic battery and had received information suggesting that he might be at the Vinton Street residence where Mr. Schriber lives.

When Farrell, Dornon, and Loop went to the front door to ring the doorbell, Sliger remained toward the back of the house outside the fence with his K9, near the driveway and gate to the backyard. When the officers in the front rang the doorbell, Mr. Schriber exited into the backyard. As Schriber approached the gate, Sliger announced that he was with the Sheriff's office and ordered Schriber to stop. Mr. Schriber alleges that he was scared by what he regarded as a sudden and loud announcement that he did not understand. He turned and ran away from Sliger, into the front yard, and up Vinton Street. Sliger and the other officers gave chase. Schriber was eventually apprehended with Sliger's K9 and suffered dog bites because of this.

Count I alleges that the Sheriff's Office unconstitutionally searched the "fenced rear curtilage." (R20 at ¶100). The officers did not enter or search the curtilage. (*See* Defendants' Memorandum, R28 at 9-11). Sliger is the only officer alleged to have been at the rear of the house, and he was outside the fence by its gate. Mr. Schriber was "already moving out through the gate area" when he encountered Sliger. (Plaintiff's Response in Opposition, R32 at 2). Because of the past reports of Clugh being at the residence and (from Sliger's perspective) the unidentified individual, similar in stature and age to Clugh, approaching the back gate just as officers made themselves known in the front, Sliger had at least reasonable suspicion to order the individual to stop. When the individual ran, Sliger had probable cause to give chase and arrest the individual for resisting arrest. None of this activity constitutes an unconstitutional search. Plaintiff's response does not

cite any case law concerning the allegedly unconstitutional search or otherwise respond in any fashion to the Defendants' arguments concerning open fields, curtilage, or permissible searches. Count I should be dismissed.

Count II alleges excessive force by Farrell and Dornon for failure to intervene and by Sliger for use of a K9. Farrell and Dornon did not have a realistic opportunity to intervene. (*See* Defendants' Memorandum, R28 at 11-12). Plaintiff's response does not cite any case law or otherwise address the standard for establishing a failure to intervene claim other than to say it is a "fact question." (Plaintiff's Response, R32 at 5). Before Plaintiff's excessive force claim against Farrell and Dornon becomes a fact question, Plaintiff must state plausibly allege factual content to allow the Court to draw the reasonable inference that Farrell or Dornon is liable for the alleged misconduct. *Bell Atlantic v. Twombly*, 550 U.S. 544, 556 (2007). He has not. One cannot plausibly conclude from the facts alleged that Farrell and Dornon had a realistic opportunity to intervene.

With respect to Sliger, his use of a K9 in this situation was objectively reasonable. If the person in question had been – as Sliger reasonably believed – Tanner Clugh, a person suspected of committing violent felonies; all of the *Graham v. Connor* factors would support the use of force. 490 U.S. 386, 396 (1989). Mr. Schriber seems to argue that Sliger could not have believed the figure fleeing into the dark was Clugh, because other officers announced that the suspect was not Mr.

Clugh but was, in fact, Austin Townsley. (Response in Opposition at 3-5).<sup>1</sup> However, even if one assumes Sliger heard these announcements, it is not unreasonable for Sliger to trust his own judgment nor has Mr. Schriber met his qualified immunity burden on this issue by citing relevant case law which would put Sliger on notice that it was unreasonable for him (or any objective officer) to trust his or her own judgment as to the likely identity of the fleeing subject.

Count III is a claim for unlawful seizure or false arrest against Sliger, Farrell, Dornon, and Loop. Sliger had reasonable suspicion justifying his order for Schriber to stop and, when Schriber ran, probable cause to arrest him. (*See* Defendants' Memorandum, R28 at 17-19). The fact that Sliger was armed and had a police dog does not negate the existence of reasonable suspicion or probable cause even if these things startled Mr. Schriber. "Headlong flight – wherever it occurs - is the consummate act of evasion: It is not necessarily indicative of wrongdoing, but it is certainly suggestive of such." *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000). Even if Mr. Schriber might have had justification for his flight, the officers were not required to conduct further investigation or consider Schriber's defenses once probable cause was established. *McBride v. Grice*, 576 F.3d 703, 707 (7<sup>th</sup> Cir. 2009). Mr. Schriber does not cite any case law to the contrary.

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<sup>1</sup> The Response also references the issue of Schriber's clothing versus that last reported for Clugh. (Response in Opposition at 4). Mr. Schriber's original Complaint contains details about, for example, his overalls (*see e.g.* Original Complaint, R6 at ¶22). The question of clothing is not raised in the Amended Complaint. The Response cites ¶¶42-49 of the Amended Complaint but these allegations do not concern clothing. Deputy Sliger's report (R20-1 at 9) simply indicates that he disregarded clothing as an identifying factor because "Tanner had changed clothes multiple times since the original crime was committed."

Count IV is a claim for “unreasonable seizure pursuant to legal process without probable cause” against Clark, Sliger, Farrell, Dornon, and Loop. This must also fail because, again, there was probable cause to arrest Schriber for violation of IC 35-44.1-3-1(a)(3). (*See* Defendants’ Memorandum, R28 at 19-20). Sliger identified himself as a police officer and ordered Schriber to stop. In his original complaint, Plaintiff specifically acknowledges that this occurred. In his amended complaint, he does not deny it but explains that he was scared and did not understand what Sliger was saying. The presence of a potential justification by Mr. Schriber for his reaction or even conflicting reports by the officers on some of the details do not negate the existence of probable cause where, as here, the basic elements are not in dispute: officers had reason to believe a violent felon was at the location; an unidentified individual of similar stature exited the back just as officers made their presence known in the front; and the unidentified individual fled when an officer announced his presence and ordered him to stop. The existence of probable cause defeats this claim.

Count V is the *Monell* claim against the Sheriff. The claim should fail because Mr. Schriber has not plausibly alleged an underlying constitutional violation by an employee of the Sheriff. Secondly, the claim should fail because Mr. Schriber has not articulated policies of the Sheriff’s Office that are relevant to the claims in this case. (*See* Defendants’ Memorandum, R28 at 21-22). Allegedly defective review of officers’ reports did not cause Mr. Schriber’s arrest. He was arrested and charged because he ran from an officer who had identified himself and

ordered him to stop which is a crime, pursuant to IC 35-44.1-3-1(a)(3). (Additionally, the Sheriff's policies would not govern Clark who is an investigator for the Prosecutor.)

Count VI and VII are Mr. Schriber's state law claims. Count VI is a battery claim against Sliger and Count VII is a trespass claim against Sliger, Farrell, Dornon, and Loop. All of these claims must be dismissed because, with certain exceptions not applicable to this case, Indiana does not permit suits against government employees acting within the scope of their employment. IC 34-14-3-5. (See Defendants' Memorandum, R28 at 23-24). Mr. Schriber does not grapple with this barrier to suit at all. He contends that "Defendants' immunity arguments depend on the same reconstructed merits assumptions." (Plaintiff's Response, R32 at 9). This defense does not depend on the merits at all. Immunity is a question of law and assumes wrongdoing but, nevertheless, denies recovery. *Bewley v. Town of Speedway*, 222 N.E.3d 1013, 1017 (Ind. Ct. App. 2023); *Bushong v. Williams*, 790 N.E.2d 467, 472 (Ind. 2003). If immunity exists, "the degree of a governmental defendant's culpability and the nature of its tortious conduct are not relevant considerations." *Bewley* at 1019.

Finally, as to qualified immunity, when the defense of qualified immunity is raised, "the burden shifts to the plaintiff to defeat it." *E.g., Leiser v. Kloth*, 933 F.3d 696, 701 (7th Cir. 2019). To meet his burden, a plaintiff "need[s] to 'show either a reasonably analogous case that has both articulated the right at issue and applied it to a factual circumstance similar to the one at hand or that the violation was so

obvious that a reasonable person necessarily would have recognized it as a violation of the law.” *Id.* (internal citations omitted). Once raised, it was incumbent on Mr. Shriber to show some settled authority that would have shown a reasonable officer in Defendants’ position that their alleged actions violated the Constitution. Mr. Schriber’s response does not cite any authority. To the extent any of the federal claims survive against the Defendants, they are entitled to qualified immunity as to those claims.

### **Conclusion**

Plaintiff’s Complaint fails to state a claim against the Defendants, and they request that Plaintiff’s claims against them be dismissed and for all other appropriate relief.

Respectfully submitted,

HOFFMAN, LUHMAN & MASSON, PC

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Additionally, the document was served on the same date via U.S. mail, first-class postage prepaid, addressed to:

Tyler Schriber  
1932 Vinton Street  
Lafayette, IN 47904

/s/Douglas J. Masson